



VOSH PROGRAM DIRECTIVE: 12-201 (e-version)

ISSUED: December 24, 1985

**SUBJECT: Fall Protection in General Industry: 1910.23(c)(1), (c)(3),
1910.132(a)**

- A. PURPOSE.** This instruction makes clear the applicability of 29 CFR 1910.23(c)(1), (c)(3) and 1910.132(a) where employees are exposed to falling hazards while performing various tasks including maintenance from elevated surfaces.
- B. SCOPE.** This instruction applies VOSH-enforcement personnel in the Department of Labor and Industry.
- C. ACTION.** Division Directors and Supervisors shall ensure that the interpretations in F and the guidelines in G of this instruction are followed when inspecting general industry facilities where employees are exposed to the hazard of falling from elevated surfaces.
- D. FEDERAL PROGRAM CHANGE.** This instruction went into effect on the Federal level on April 16, 1984 by way of OSHA instruction STD 1-1.13. The Federal instruction was reviewed by VOSH and is adopted without significant change.
- E. BACKGROUND.** Federal court decisions concerning employee exposures to falls from elevated surfaces have been inconsistent. S 1910.23(c)(1) or of Section 5(a)(1) of the OSHA Act when employees have been engaged in various tasks which include inspections, service, repairs and maintenance on elevated surfaces such as, but not limited to, conveyors, tops of machinery and other structures not normally considered "walking and working" surfaces.
1. Although 29 CFR 1910.23(c)(1) requires the safeguarding of "platforms" used by employees, there has been disagreement as to when an "elevated surface" constitutes a platform within the meaning of the standard.
 2. In at least one instance (General Electric Company v. OSHRC, 583 F.2d 61 (2d Cir. 1978)) the court noted the need for increased clarity of definition by OSHA regarding its intended meaning of the term "platform". This VOSH instruction clarifies and defines the conditions and circumstances under which a "platform" is deemed to exist, and where the requirements of 29 CFR 1910.23(c) apply.

F. INTERPRETATION. The following interpretations are established for uniform enforcement and application of G of this instruction.

1. Platforms are interpreted to be any elevated surface designed or used primarily as a walking or working surface, and any other elevated surfaces upon which employees are required or allowed to walk or work while performing assigned tasks on a predictable and regular basis. (See 29 CFR 1910.21(a)(4) for definition of "platform".)
2. Predictable and regular basis means employee functions such as, but not limited to, inspections, service, repair and maintenance which are performed:
 - a. At least once every 2 weeks, or
 - b. For a total of 4 man-hours or more during any sequential 4-week period (e.g., 2 employees once every 4 weeks for 2 hours = 4 man-hours per 4-weeks period).

G. GUIDELINES. The following guidelines are established for the uniform enforcement of 29 CFR 1910.23(c)(1), 1910.23(c)(3) and 1910.132(a) regarding employee exposures to falls from elevated surfaces.

1. Employee exposures to falls from platforms (interpreted in F.1.) Are regulated by the following VOSH standards:
 - a. 29 CFR 1910.23(c)(1), or
 - b. 29 CFR 1910.23(c)(3).
2. In situations where the safeguarding requirements of G.1. are not applicable because employees are exposed to falls from an elevated surface on other than a predictable and regular basis, personal protective equipment as required by 29 CFR 1910.132(a) or other effective fall protection shall be provided.

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